

REMARKS

The Official Action of March 22, 2005, and the prior art relied upon therein have been carefully reviewed. The claims in the application are now claims 1, 3, 5-7, and 15-22, and these claims define patentable subject matter warranting their allowance. Accordingly, applicants respectfully request favorable reconsideration and allowance.

Please note that new attorneys have taken over prosecution of this application. Accordingly, for ease of application identification, please use the new attorney's docket which is "**SHAPIRA=4**". The PTO is accordingly respectfully requested to enter this new attorney docket in the PTO records.

All the previously pending claims except for claim 7 have been rejected as obvious under §103 from alleged admissions in view of Stehlin, Kavanaugh, Uhle, Zubkova, and Gurr, further in view of Gunther, Woolridge, Wilson-Clay and a second Woolridge publication; or alternatively over the same combination using the second Woolridge publication of 1980 as a primary reference.

Claim 7 has been similarly rejected as obvious under §103 over the same combinations of references and further in view of Simmons. These rejections are respectfully traversed for the reasons of record (respectfully repeated by reference) and for the further reasons pointed out below.

As regards applicants' main claims, Stehlin clearly states that "infant formula can never duplicate human milk", citing Benson et al. Stehlin also states as follows:

Human milk is very complex, and scientists are still trying to unravel and understand what makes it such a good source of nutrition for rapidly growing and developing infants.

Further quoting Benson et al, Stehlin states that "It has become 'increasingly apparent that infant formula can never duplicate human milk'".

Applicant's invention relates to formula, not human milk. It gives great flexibility and variability in how the formula can be fed to an infant, depending on the infant's needs. No one has suggested the advantages obtained by the present invention. Indeed, Woolridge (1980), the primary reference in one of the alternative rejections, suggests no differences at all.

There was no difference in sucking pattern between groups. It is suggested that the

infant may respond not to composition but to reduced milk flow.

What does this teach the person of ordinary skill in the art? It teaches that there is no difference insofar as result is concerned, and consequently no advantage in doing what the applicant has claimed. Therefore it follows that applicant's invention is the very antithesis of obviousness.

Applicant also wishes to point out that the percentages of fat called for, particularly together with the total meal volume, of the fore-milk and hind-milk equivalent infant formulas differ from the prior art, at least to some extent. In this regard also, the present applicant has flown in the face of the prior art and proceeded in a way which is different from what is taught in the prior art. This also constitutes non-obvious subject matter.

Lastly, applicant wishes to especially note the feature of the dependent portion of claim 3. This feature as called for in the dependent portion of claim 3 provides a particularly effective way of varying the feeding, dependent on the particular infant's needs. This feature as recited in the dependent portion of claim 3 is not seen to be disclosed anywhere in the prior art.


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Withdrawal of the rejections are in order and are
respectfully requested.

Favorable reconsideration and allowance are
earnestly solicited.

Respectfully submitted,

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